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Equatorial Guinea

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I. Introduction

1. Pursuant to United Nations General Assembly Resolution 60/251, the Human Rights Council established the cooperative mechanism linked to the universal periodic review (UPR). Through the evaluation of the level of compliance by each State, the aims of the UPR regarding the improvement of the human rights situation favour access to objective and reliable information on the national human rights situation. As part of the programme established by the Council for the period 2008–2011, the Government of Equatorial Guinea took part in the universal periodic review at the sixth session of the Human Rights Council in 2009 and drew up its national report, the consideration of which gave rise to the recommendations (A/HRC/13/16 GE.10-10136) to which the present report relates.

2. The Republic of Equatorial Guinea is a sovereign, independent, republican, united, social and democratic State, whose highest values are unity, peace, justice, freedom and equality. Its territory is made up of a mainland area called Río Mini and an island region comprising the islands of Bioko, Annobón, Corisco, Elobey Grande, Elobey Chico, Mbañe, Cocoteros, Conga and nearby islets. It has a total surface area of 28,051 sq. km., of which 26,000 lie in the mainland region and the rest in the island region. Equatorial Guinea lies on the Gulf of Guinea. The mainland region is bordered to the north by the Campo or Ntem River and the Republic of Cameroon, to the east and south by the Republic of Gabon and to the west by the Atlantic Ocean. Its capital is Malabo, which is situated on the northern coast of the island of Bioko. According to data from the Third Population and Housing Census of 2001, it has a population of 1,014,999, with a crude birth rate of 43.2 per thousand.

II. Methodology and data collection

3. Since it received the recommendations made during the interactive dialogue of the Human Rights Council for Equatorial Guinea at its sixth session, of which 86 were accepted by the Government of Equatorial Guinea and 28 were deferred for further consideration, the Government has conducted an interactive activity with ministerial departments and civil society institutions. Consequently, the present report, which is in response to the Council's recommendations, was drafted by a preparatory commission, on the basis of the results obtained during the consultation process. The first Demographic and Health Survey carried out in 2011 has been a valuable reference tool when addressing matters related to maternal and infant mortality, HIV/AIDS, sexually transmitted infections, and literacy and school enrolment rates, among others.

III. National legal and institutional order on the protection of human rights

4. Article 13 of the 1982 Constitution, as revised in 1991, 1995 and 2011, sets out a range of rights and freedoms that may be directly invoked before the courts. Nevertheless, article 14 of the Constitution states that the list of rights under article 13 is not exhaustive, because it implicitly includes all the other rights guaranteed by the Constitution, in addition to other rights and public freedoms of a similar nature originating in respect for human dignity and a democratic State governed by the rule of law. This has led to the incorporation of the international conventions and treaties ratified by Equatorial Guinea into what may be termed a constitutional block, which extends the protection not only to civil and political rights but also to those arising out of social, cultural and economic circumstances. The reform of the Constitution, which was approved in 2012, has strengthened the institutional mechanism for the protection of human rights by establishing,

in addition to what existed already, the Office of the Ombudsman, which is governed by Act No. 4/2012 of 16 November, and whose constitutional mandate makes it the High Commissioner of the Chamber of Deputies and Senate for the protection of citizens' rights vis-à-vis the public administration, through application for amparo against the dysfunctionality, misconduct and arbitrariness of public agencies. Moreover, to bridge an existing gap, Act No. 2/2011 of 14 July on the Special Body of State Lawyers was passed. This body is tasked with representing and defending the interests of the State in court or in any form of legal dispute, with a view to superseding the former policy of non-appearance and deliberate rebelliousness on the part of public institutions in the conflicts in which they were involved.

5. The legal order directly linked to the protection of human rights is organized in a pyramid structure spearheaded by articles 13, 14 and 15 of the Constitution, which are based on liberal content and a categorical imperative. Moreover, it may be noted that, between 2009 and 2013, the country ratified various international law conventions, treaties and additional protocols, which were incorporated in its human rights protection mechanism. New laws have also been adopted to broaden the normative basis for the protection of human rights, such as the new General Labour Act No. 10/2012 of 24 December and Act No. 4/2009 of 18 May, which guarantees the right to land tenure. Among the laws that have been brought in to strengthen the legal human rights framework, special mention should be made of the elimination of the requirement to obtain a visa, which was an obstacle to the right to freedom of movement and was abolished by presidential decree, the updating and improving of the migration policy through the enactment of Organic Act No. 3/2010 of 30 May governing foreigners' rights, and Decree No. 121/2011 of 5 September establishing the minimum wage, article 4 (b) of which provides for equal pay for equal work among national and expatriate workers.

IV. Presidential political system

6. On 13 November 2011, the people of Equatorial Guinea voted by referendum for a reform of the Constitution, which has now been in force since 16 February 2012. In accordance with the Constitution, the State exercises its national sovereignty through the President of the Republic, the Vice-President of the Republic, the Council of Ministers, the Chamber of Deputies, the Senate and other bodies created in accordance with the Constitution and other laws.

7. The President of the Republic is the Head of State and Government and the embodiment of national unity, representing the nation and exercising executive power by defining national policy. The President is elected by universal, direct and secret suffrage, on the basis of a simple majority of valid votes, for a term of seven years, with the possibility of re-election, and promulgates laws passed by the House of People's Representatives. In the exercise of political and administrative duties, the President presides over the Council of Ministers, which is made up of the Prime Minister and other members of the Government. The Council of Ministers is the body that directs and implements the country's general policy, ensures the implementation of the law and permanently assists the Head of State in political and administrative matters. It puts forward the State's social and economic development plans, the implementation of which, once they are approved by the Chamber of Deputies and the Senate and endorsed by the President, it organizes, directs and monitors. It draws up the General State Budget Bill, determines monetary policy, adopts measures to protect and strengthen the country's monetary and financial regime, drafts other bills and directs the State administration, coordinating and overseeing the activities of the various departments of State. The State's commitment to the development and protection of human rights has been in the process of consolidation for a number of

years, with the appointment and confirmation of a deputy prime minister in charge of human rights and a deputy prime minister in charge of the social sector, the creation of the National Human Rights Commission, which is moving imperatively towards conformity with the Paris Principles, the establishment of the Parliamentary Commission for Complaints and Petitions and, lastly, the appointment of the Ombudsman.

V. On the recommendations (R70) related to the first national report

A. Ratification of the Convention on the Rights of Persons with Disabilities

R[1]70.1, 70.2, 70.3, 70.4, 70.6

8. Although Equatorial Guinea has yet to ratify the Convention on the Rights of Persons with Disabilities,[2] it is no less commendable and true that, at a national level, wide-ranging initiatives have been undertaken to improve the situation of persons with disabilities.[3] In a meeting of the Interministerial Council on 18 November 2013, the Government sanctioned the use of mechanisms leading to the ratification and implementation of the Convention. The initiatives undertaken notably include the approval and application of Decree No. 129/2004 of 23 August, on the effective integration of persons with disabilities into the social security system, which has led to the creation of the Special Service for persons with disabilities in the National Social Security Institute (INSESO). Since the decree was promulgated, 3,800 persons with disabilities have been included in the census and registered with INSESO. They have also received mobility aids, under programmes carried out by the National Association of Disabled Persons (ASONAMI),[4] and ocular instruments, through the association for the blind. A member of ASONAMI has been appointed as a senator in the current legislature. Every three months, the persons with disabilities recorded in the census and affiliated with INSESO are given an allowance equivalent to 60 per cent of the minimum wage,[5] independently of the health care and medical and pharmaceutical assistance that they receive.

9. In the general State budgets for the financial years 2011/12 and 2012/13, there is a heading for budgetary allocations to charitable organizations. These allocations provide financial support to persons with disabilities, families on very low income, and families with members with a serious illness leading to high treatment and rehabilitation costs.

10. In that connection, the Directorate-General of Special Education was established within the Ministry of National Education, with the objective of identifying students with disabilities or impairments and designing education modules tailored to their needs.

B. Accession to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

Signature of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights

11. The Human Rights Department attached to the Office of the President has presented a debate on the Optional Protocol to the Interministerial Council. Once the decision to accede to it has been taken by the Council of Ministers, the process will be submitted to the two chambers of parliament for final approval.

C. The judiciary and the independence of judges and magistrates

R70.49, 70.50, 70.51, 70.52, 70.53, 70.54

12. The judicial system of Equatorial Guinea and the Head of State, who is the first magistrate of the nation, are the guarantors of the protection and promotion of human rights. The Head of State is the constitutional guarantor of the independence and functionality of the judiciary, and of respect for the Constitution and the independence of judges and magistrates. To that end, the Head of State receives assistance and support from the High Council of the Judiciary. In order to fulfil their mission, national courts are organized in such a way as to maintain an adversarial process that may be reviewed by other judges on appeal, in addition to providing for cassation appeals and constitutional appeals for amparo. The cassation review and the review of unconstitutionality by means of amparo are further guarantees provided by the Supreme Court of Justice and the Constitutional Court in order to ensure that trials have been conducted in observance of due process and the rights provided for in the Constitution. It was with this in mind that the Constitutional Court passed Organic Act No. 4/2011 of 14 July.

13. Currently, all judges and magistrates have received legal training. While the step has not yet been taken to offer a high quality level of training in the judiciary, that objective is nonetheless attainable and warrants the effort that the country is making in that respect. The organizational structure of the judiciary established under the 2009 Act has fully replaced the previous, inadequate organizational structure of 2004. Training and refresher courses are provided in the positive law of Equatorial Guinea and within the subregional system (CEMAC, BEAC-COBAC, OHADA). Similarly, several national jurists have attended training courses run by the OHADA Regional Judicial Training College in Cotonou.

14. Access to justice has improved thanks to a number of factors. Firstly, workers do not have to pay costs related to legal proceedings in labour disputes, unless they are shown to have acted in bad faith. Legal representation is not mandatory in some minor proceedings (before traditional, regional and magistrates' courts), or in labour cases. Under the new organizational structure of the judiciary of 2009, civil courts and courts of investigation have been established, as have labour courts in rural areas. The new traditional and magistrates' courts deal exclusively with municipalities. The Ministry of Justice, in cooperation with the School of Judicial Practice, has developed and widely disseminated a layman's guide to access to justice, as well as a collection of the national laws in force for the attention of justice officials.

D. Follow-up to the recommendations of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment. References to the report of the Working Group on Arbitrary Detention

15. After individual seminars given by the Human Rights Department attached to the Office of the President, all the uniformed services and judicial authorities were once again reminded of the Government's policy and decision not to tolerate the practice of torture or arbitrary detention at the national level, on penalty of drastic coercive measures.

E. Human rights training and awareness-raising

R70.7, 70.8, 70.10, 70.86

16. With regard to training in human rights issues, in 2012, a national workshop was held in Malabo on regional and international instruments and human rights mechanisms, including the UPR.

17. The Interministerial Commission on Human Rights[6] was established by Decree No. 45 of 16 May, and the National Commission in turn organized awareness-raising and training activities on trafficking in persons, capacity-building for national human resources, and the enforcement of, and respect for, international and national provisions related to the prevention and punishment of torture and other cruel, inhuman or degrading treatment or punishment. Consideration is being given to bringing the National Human Rights Commission into line with the Paris Principles with a view to achieving that objective.

R70.9, 70.16

18. Regarding international cooperation and follow-up, Equatorial Guinea is covering a great deal of ground and intensifying efforts to achieve continued, stable cooperation with the United Nations bodies tasked with encouraging respect for human rights. This activity has been underscored by the response to the commitment to present national reports to the relevant organizations, the national prioritization of participation in, and follow-up to, the forums and meetings on such reports, including CEDAW, CRC and UPR, and the full participation in the activities of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.

R70.43, 70.44, 70.45, 70.46, 70.47

19. National legislation on the smuggling of migrants and trafficking in persons, particularly children, has been enshrined in the mandates arising from the international treaties and conventions ratified by Equatorial Guinea. Neither the studies carried out by UNICEF in the 1990s on migration and child exploitation, nor those on trafficking and child prostitution in Equatorial Guinea, have been updated. Nevertheless, the Ministry of Social Affairs and the Status of Women, with the support of the International Organization for Migration and the United States Embassy in Equatorial Guinea, has organized meetings and information and dissemination courses on migrant-smuggling and human trafficking, aimed at civil servants, members of the national security service and border guards. In the same vein, the Ministry of the Interior and Local Communities organized an information and awareness-raising seminar on the challenges presented by the Act on migrant-smuggling and human trafficking. At its interministerial meeting of 18 December 2013, the Government authorized the ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

F. Jails, prisons, torture and impunity

R70.34, 70.35, 70.36, 70.37, 70.38, 70.39, 70.40

20. The International Committee of the Red Cross, along with representatives of religious groups, have enjoyed free access to detention centres at a national level, enabling them to monitor in situ the conditions of detention and the treatment given to inmates. During August and September 2013, the Public Prosecutor's Office carried out an inspection of the detention conditions and the reasons for detention or arrest in all jails and holding and detention centres throughout the country. Even though national criminal legislation, which dates back to colonial times, does not allow lawyers to assist persons in

police custody, a practice is nonetheless being developed to favour contact between lawyers and persons who have been arrested or detained. In that regard, habeas corpus proceedings have strengthened the mechanism for promptly bringing detainees before an examining magistrate.

21. Law enforcement personnel found guilty of acts of arbitrary detention, kidnapping, torture or similar offences, have been tried before military tribunals, sentenced to imprisonment and permanently detached from the corps to which they belonged. The State, in accordance with the laws governing its vicarious liability[7] for the crimes committed and damage inflicted by its officials, has expressed its willingness to provide full reparations to the victims of such acts. This is implicit in the provi ions of the Prohibition of Torture Act No. 6/2006, which sets out the State's civil responsibility to pay compensation to either the victim or their beneficiaries for any harm or damage resulting from this crime against humanity.

G. Budgetary transparency, corruption and legal instruments to combat it

R70.5, 70.11, 70.13

22. To date, it has not been possible to accede to the United Nations Convention against Corruption, but at the interministerial meeting of 18 December 2013, the Government authorized the completion of the procedures and formalities related to the ratification of that Convention. Mechanisms derived from the Convention have nevertheless been set up at a national level, and serve as valid instruments in the fight against corruption. Since 2012, corruption has been considered a constitutional offence under article 15.2 of the Constitution. Many civil servants have, however, been tried and sentenced for their involvement in acts of corruption and corrupt practices defrauding the public purse for a number of years. Decree No. 131 governing national economic and financial policy stipulates the requirement to "put an end to illegal tax collection", which is in the process of being achieved. The order is effectively self-explanatory: to eliminate ministerial accounts that are outside the purview of the public treasury, as well as the once widespread behaviour of certain civil servants, which involved receiving contributions, taxes and excise duties not provided for by the legislation in force.

23. It should be noted that an anti-corruption prosecutor's office has been established within the judiciary, as has the requirement for politically exposed persons to make a sworn statement of assets, and for conflicts of interest and the use of privileged information to be monitored. The measures were established under Decree-Law No. 1/2004 on ethics and dignity in the exercise of public functions. The duty to declare assets was incorporated in the reformed 2012 Constitution, along with the correlative a posteriori monitoring of the assets of politically exposed persons following the exercise of their public functions. The National Public Ethics Commission was consequently created by Decree No. 132 of 2 November.

24. Reference should also be made to the subregional provision drawn from the commercial legislation of OHADA, which prohibits members of the Government and civil servants in the States Members of OHADA from exercising commercial activities. Other instruments adopted to combat corruption in the public sector include: Decree No. 10/2011 of 20 January, which sets the pricing basis for works of the State; in the same vein, Act No. 5/2012 of 16 November governing the Audit Court, whose key role is to review and control the accounts kept by persons responsible for the public purse, and to demand accountability and transparent information from all persons who administer government funds or funds put at their disposal by the Public Treasury with the aim, as specified under article 9.1 of the Act, of subjecting the economic and financial activity of the public and parapublic sectors to the principles of legality, efficiency and economy. Attention should also be

drawn to Decree No. 42/2007 of 30 July governing civil society participation in the implementation of the Extractive Industries Transparency Initiative (EITI), expanding on Decree No. 87/2005 of 4 May, which provided for the creation of the National Commission for Good Governance and the Implementation of the Extractive Industries Transparency Initiative.

H. Accession to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (the Ministry of Foreign Affairs and Cooperation may provide replies)

25. The Government is discussing the need to accede to the Optional Protocol in the Interministerial Council.

I. Rome Statute, International Criminal Court and serious human rights violations

26. The Government is still considering the matter. It nevertheless endorses the African Union declaration in that regard.

J. Equality, gender-based violence and opportunities

R70.15, 70.18, 70.19, 70.20, 70.21, 70.22, 70.23, 70.24, 70.41, 70.42, 70.60, 70.77

27. Gender stereotypes are being eliminated in line with the constitutional mandate set out in article 13.2 of the Constitution of Equatorial Guinea, which orders the implementation of "legal initiatives and mechanisms to promote the adequate representation and participation of women in public posts and in the performance of other functions in all State institutions". For that reason, the gender ratio in the Government, Senate (whose presidency is occupied by a woman) and Chamber of Deputies shows significant participation by women.

28. It must be pointed out that, in Equatorial Guinea, there has been no enactment of laws, in the formal sense of the word, that discriminate against women. In the last four years, the civil, political, social and cultural rights of women, along with the elimination of practices and barriers detrimental to the development of girls, have led to full awareness and national action, which are worth pursuing in view of the results obtained. The National Multisectoral Action Plan for the Advancement of Women and Gender Equity (2005–2015) has reopened a previously trodden path. It is important to note the National Programme for education of adult, young and adolescent females, which is an educational project for illiterate adult females and young females who are failing at school or have dropped out. The national literacy and education curriculum and the learning modules for adults were designed, validated, printed and disseminated for that purpose. According to the first demographic and health survey in Equatorial Guinea, 88 per cent of women between the ages of 15 and 49 are literate. Regarding the economic rights of women, the equal pay established by the presidential decrees governing the minimum wage,[8] the supplementary ministerial orders setting the minimum wage in all private sectors, and the monitoring and follow-up being conducted in the sector by both the Ministry of Labour and the National Social Security Institute, guarantee respect for such rights, which have been incorporated in the Constitution. Violations of the principle of equality are punished as employer offences under the General Employment Act.[9] In respect of positive discrimination, the Act provides that no factor directly related to the biological status of women (pregnancy, maternity, prenatal care, etc.) may serve as a cause for dismissal or any form of disciplinary sanction.

To this provision must be added equal pay, which has been in force unconditionally in the public sector and in State and parastatal companies since the last century.

29. The contribution made by women in the different sectors of the economy has been promoted and increased thanks to activities linked to the adoption by Equatorial Guinea of a National Programme for education of adult, young and adolescent females who are illiterate or failing in the basic education system. In addition to this programme, efforts have been made by the private sector through the liberalization of the education system, leading to the opening and operation of several vocational training centres. Beyond this educational framework, decentralized activities have been undertaken to favour the development of women's economic power and, by extension, the growth of their autonomy. Although 39 per cent of women work, it is worth noting that 45 per cent of those women engage in commercial activities in the informal sector. Within this framework is the Self-employment for Rural Women Project[10] (funded to the tune of more than CFAF 2.4 billion), which aims to contribute to boosting the income of women in rural areas through the dissemination of techniques to produce, preserve, market and process fishing and agricultural products. In the same context, partners for development such as oil companies have carried out activities, through projects conducted in rural areas, to foster security for women with limited resources by providing shelters and other facilities such as free nurseries, enabling them either to attend training courses to develop skills and competencies or devote their time to rural activities to generate income.

30. With regard to gender equality and equal opportunities, to participation in the empowerment of women and efforts to combat gender-based discrimination and violence, it is clear that some groups remain highly sceptical about the change of mindset required to abandon practices and customs that violate the human rights protection mechanisms that the Government is trying to implement. Article 15 of the Constitution has established discrimination against women as a constitutional offence. In terms of gender-based violence, the Mediation and Women's Counselling Service provides a trustworthy environment for women to report ill-treatment and domestic violence, and family, juvenile and examining magistrates' courts are contributing to efforts to combat violence against women by factoring in aggravation in cases where the victim of violence is the perpetrator's spouse, in addition to recognizing the offences of ill-treatment provided for in the Criminal Code.

31. The principle of equality has been incorporated in the Constitution through articles 5 and 13 and, in keeping with the constitutional mandate, the imposition of prison sentences for failing to pay a dowry, whether with respect to the wife or a family member, has been dropped from judicial and administrative practice. Although it must be recognized that around 30 per cent[11] of women with partners have been subjected to gender-based violence, such conduct is an offence under the Criminal Code, as are sexual transgressions, and courts correctly apply the law with regard to the punishment of offences such as domestic violence and rape. Family and juvenile courts have been established, whose competencies include dealing with cases of gender-based violence and, if necessary, informing the public prosecutor's office for the subsequent lawsuit. The fact of being a relative of the perpetrator is an aggravating circumstance.

32. With regard to the prohibition of discrimination on the basis of sexual orientation, heterosexuality and homosexuality are considered on an equal footing in Equatorial Guinea. The working paper from the Ministry of Health, which addresses sexual and reproductive rights, stipulates that all persons are entitled to the enjoyment of such rights without discrimination as to sexual orientation. Article 15.1 of the Constitution is more explicit, and sets out that discrimination on the basis of sexual orientation is an offence punishable by law.

K. Proportion of the general State budget[12] devoted to the social sectors

R70.61, 70.62, 70.64, 70.65

33. Thanks to the work done by the National Institute of Statistics, which is attached to the Planning Department, it has been possible to rationalize investment in the health sector, health infrastructure, water, sanitation and HIV/AIDS. The results were achieved by conducting the Fourth Population and Housing Census, and by collecting data on the rural and urban working population. The First General Agricultural Census, taken in collaboration with the Ministry of Agriculture, is also worthy of note. In this respect, the State has progressively increased the proportion of public spending devoted to the social sectors, which amounted to 3.9 per cent of GDP in 2009, 22.9 per cent of the total budget for 2010, and 22.4 per cent in 2012. Some of these funds have been used to safeguard the living conditions of pensioners and retirees through INSESO. A programme has been implemented by the Ministry of Economy and Trade to provide financial support to small- and medium-sized businesses. Following the constitutional reforms, the Government of Equatorial Guinea has decided that, starting with the 2015 budget, it will increase investment in the social sectors (education, health, public service, social affairs, gender equality and cultural affairs). The Government has also made microcredit available to all small- and medium-sized businesses across the country through the Ministry of Trade.

Urban planning, housing, electricity, water and sanitation

R70.67, 70.68, 70.69

34. In order to facilitate connections between among others provincial capitals, large municipalities, ports, airports and border areas, more than 698 kilometres of national highways have been paved over the last three years, and a further 402 kilometres are nearing completion. For provincial roads, which, though not part of the main road network, are significant because they can open up small towns and villages, large centres and rural agricultural production areas, a total of 124 kilometres has been surfaced. These roads serve to relieve congestion in rural areas, thereby facilitating the free movement of goods and services, and bring children in rural areas closer to school by reducing their journey time and the risks inherent in roads that are in a poor state of repair.

35. In terms of social housing, around 15,000 family homes have been built in the country, and more urban development areas are being expanded in order to create space for social housing. This programme of access to social housing goes hand in hand with the government programme for water supply and sanitation, which are also being extended in existing urban areas and rural areas, where a number of villages have already been supplied with drinking water. The first Demographic and Health Survey indicates that two thirds of the households in Equatorial Guinea have electricity. It is true that this includes only 43 per cent of rural households, but the situation is improving thanks to current urbanization and civil engineering projects. It is also notable that 56 per cent of the population now has access to drinking water.

36. The output capacity of the Turbogas electric power station in Malabo is currently being expanded, through a series of substations in Malabo and surrounding areas, and supply line II, which serves most of the households through an underground energy transportation and distribution system. The Turbogas energy network has reached some rural areas with a supply available 24 hours a day. The Djibloho hydroelectric plant in the mainland region has come into operation and currently produces 160 megawatts, distributed through the underground energy distribution system from the plant to the whole of the mainland region. The power plant under construction on the Sendje River will have a capacity of 200 megawatts. Some towns and district centres are currently supplied by free-

standing generators. The hydroelectric power stations of Riaba, Musola and Musola II are being upgraded, which will expand the amount of power generated and the range of rural areas covered. The Ekuku electric power station, another thermal plant in the centre of Bata, and the Bikomo hydroelectric plant currently produce enough energy for the town of Bata and the surrounding area.

37. With regard to the supply of drinking water, work has been done for the intake, conveyance and supply of safe water fit for human consumption in Malabo, Luba, Baney, Cupapa, Riaba, Bata, Mongomo, Ebebeyin and Evinayong. Water is also being piped to a growing number of rural areas and to peripheral urban expansion areas.

Maternal and infant mortality and rural health

R70.70, 70.71, 70.72, 70.73, 70.74, 70.75, 70.76

38. Maternal and infant mortality was one of the most detailed items in the first Demographic and Health Survey of 2011, owing to the impact it has on quality of life and life expectancy. Over the last three years, 498 community health workers have been trained to work in medical units in rural areas, as have 1,216 midwives, with the aim of ensuring that 90 per cent of births at a national level are attended by skilled staff. Efforts in this domain continue to grow. Indeed, according to the first Demographic and Health Survey, in 2011, 69 per cent of births were attended by skilled staff and 8 per cent by traditional midwives. At a national level, the Prenatal Care Service has been extended to cover childbirth and postnatal care, as part of the road map for the reduction in maternal mortality of 50 per cent by 2015, and 80 per cent by 2020. The Directorate-General for Family Health has been established and is responsible for strengthening and monitoring the coordinated activities of the National Reproductive Health Programme.[13] More than 1,500 people have been trained as qualified staff (including health centre directors, health workers, laboratory assistants and auxiliary nurses), while 91 doctors, nurses, paediatricians, internists, surgeons and anaesthesiologists, among others, have been sent on specialized university training courses in foreign countries to cover similar health issues.

39. In urban, suburban and rural communities across the country, 392 health posts have been created, as well as 45 municipal health centres. National statistics indicate an average maternal mortality ratio of 308 per 100,000 live births over a 10-year period. The Strategic Emergency Plan and the Multi-sectoral Plan are two of the initiatives undertaken by the Government in respect of health issues related to HIV/AIDS. A special Minister of State in charge of HIV/AIDS has been appointed in the new government team. According to the first Demographic and Health Survey, 35 per cent of women and 25 per cent of men were tested for HIV between 2010 and 2011. Campaigns to raise awareness of the pandemic have been developed, including the 2011 national campaign on vertical mother-to-child transmission. In the context of the work carried out by the Infectious Diseases Reference Unit, there is a laboratory of immunobiology and a consultation and monitoring unit, where pregnant women are provided with an automatic diagnosis and, if necessary, mothers with HIV are provided with infant formula. The treatment of children with an HIV-positive mother is regulated by the Protocol on prevention of vertical mother-to-child transmission, and the 2012 Global AIDS Response Progress Report has been a valuable instrument for monitoring the national HIV/AIDS situation. Antiretroviral treatment is accessible to the whole population and is completely free of charge, the costs being defrayed in their entirety by the public purse, as are those related to diagnosis and prevention. Six treatment centres have been set up across the country. From the point of view of awareness-raising, the Association of Women against AIDS,[14] in close collaboration with the Government, and with support from both private companies and the World Health Organization, has launched several training campaigns for educators of religious leaders, appointed 50 advisers on vertical mother-to-child transmission, raised awareness among, and provided information

to, persons affected by HIV/AIDS on how to live with the disease, and conducted awareness-raising and information campaigns in private company workplaces, schools and military camps located in rural areas and provincial centres. The funds used for the HIV/AIDS project have had a significant impact on the achievements made. With regard to health, a target has been set to improve access to malaria diagnosis and artemisinin combination therapy (ACT) by 100 per cent by 2020. The plan will involve activities such as offering diagnoses free of charge and distributing essential medicines at a low price.

Childhood, education and the right to education for all

R70.78, 70.79, 70.80, 70.81, 70.82, 70.83, 70.84

40. It is important to begin by highlighting that education is a right enshrined in the Constitution of Equatorial Guinea, and that the National Education Act establishes that it is free of charge. In fact, the Government has handed out heavy punishments to civil servants and teachers who have engaged in corruption by imposing parafiscal taxes and obligations that tend to undermine the principle of free education. In order to pursue the policy of free education and university access for vulnerable sectors of society and young people from rural areas, the Government has undertaken the construction of three university campuses in Basapú, Mongomo and Oyala.

41. The State of Equatorial Guinea does not exercise a monopoly over education, meaning that religious and secular private schools are permitted. The concept of education for all, launched by the Government of Equatorial Guinea, and the proposed objective of providing water and electricity for all, have been publicized not as mere political slogans but rather as a reality, attainable through programmes and projects that are adequately funded and monitored. In that connection, the National Plan on Education for All has been institutionalized, as has the Educational Development Programme for Equatorial Guinea (PRODEGE), which receives support and technical assistance from the Academy for Educational Development in the United States. An initiative already under way is the 12 de octubre Vocational Training Centre for young people and adults, which has a new building equipped with technical facilities, allowing it to provide training that meets the demands of the labour market in such sectors as electricity, hospitality, industrial cold storage and the automotive industry.

42. The national education system has been reformed through alterations to school curricula and textbooks at the various levels. With regard to human resources, 992 teachers have been trained thanks to PRODEGE and, through the University Teacher Training School, they have the opportunity to receive university-level training. According to the Statistical Yearbook, the primary school enrolment rate for the 2010/11 academic year was 70.8 per cent, of whom 49.3 per cent were girls. A total of 34,237 pupils attended secondary school. Since 2008, more than 2,000 teachers have been hired in order to satisfy teaching needs, particularly in decentralized areas, whether suburban or rural. Women account for around 30 per cent of the enrolment and completion rates at the 12 de octubre Vocational Training Centre.

43. In spite of the progress achieved in this domain, Equatorial Guinea acknowledges the urgent need to redouble and continue the efforts made to increase enrolment and completion rates, and to reduce the repetition rate and problems in accessing educational establishments. It is clear that female dropout rates remain a constant cause for concern, and the need to improve the quality of the university education offered by the National University of Equatorial Guinea[15] is a task to be accomplished in the coming years. One of the initiatives to strengthen the fight against dropout rates has been to support the enrolment and placement of young girls in girls' schools and the religious boarding schools for girls in, inter alia, Basilé, Bososo, Ebibeyín and Malabo-Caracolas. Moreover, to address issues

related to school dropout, vocational training centres have been set up in the seven provincial capitals, while existing centres have been strengthened. Five school inspectors have been trained to supervise the centres, and 82 teachers have been trained in foreign countries with an experience similar to ours. The social participation of children is gradually being achieved and, in 2013, pursuant to Decree No. 21/2013 of 28 January, the Children's Parliament of the Republic of Equatorial Guinea was established, with the aim of creating a propitious environment for young people to discuss their problems.

Associations, culture and free expression

R70.55, 70.56, 70.57

44. National legislation on associations, the right to culture and the free expression of ideas, opinions and knowledge contains no provisions that restrict, hinder or complicate the exercise of the aforementioned freedoms. It has in fact been possible to detect isolated administrative centres where the understanding of the legal content was not in tune with the principal meaning or breadth of those rights, and steps have been taken to remove those bottlenecks. In fact, there are many associations and NGOs in the country that operate in numerous fields, such as cinema, theatre, literature, culture, physical disability and visual impairment. AMUSIDA, ASONAMI, CANIGE and AMUDIGE, among others, have been able to establish themselves and carry out activities subject only to strict compliance with the law. Associations with a cultural approach have fostered creativity, particularly in the visual arts and stage design, thereby stimulating public participation in the creation of a mindset based on cultural integration.

45. In that connection, the Cultural Centre of Equatorial Guinea has now been established and will serve, in a similar fashion to the Spanish and French centres, among others, as a platform for research into the common cultural heritage and the specific heritage of national sociocultural groups, by compiling tales and legends and organizing exhibitions, concerts and recitals. In order to revive cultural activities, animation, administration and cultural management courses have been offered for the training of human resources.

46. Another cultural achievement has been the opening of the National Library with its peripheral activities, which include book kiosks in urban areas and mobile libraries to distribute books in rural areas.

47. Inspired by the Cultural Charter for Africa drawn up by the African Union, plans have been made for the future development of a National Cultural Charter.

VI. Recommendations (R71)

R71.1, 71.2, 71.8, 71.16, 71.17, 71.18, 71.19, 71.20, 71.21, 71.22, 71.23

48. Concerning the death penalty, torture and other inhuman and degrading treatment. With regard to abolishing the death penalty or at least establishing a moratorium, the Government has conducted studies on the matter, and for the time being has concluded that a moratorium is the most appropriate course of action. Legislation has therefore been developed, which is being discussed by the Interministerial Council and will be promulgated very shortly. While the death penalty is provided for in article 13 (a) of the Constitution, the Government of Equatorial Guinea has adopted a decree declaring a temporary amnesty with respect to the death penalty in the Republic of Equatorial Guinea.

R71.5, 71.6

49. Concerning enforced disappearances and forced internal displacements. The Government of Equatorial Guinea has explicitly prohibited both enforced disappearances and forced displacements, under penalty of heavy and severe sanctions for persons who fail to comply with this decision of the Government and the institutions that guarantee full observance of human rights.

R71.9, 71.10

50. National human rights institutions and the Paris Principles. The strengthening of the National Human Rights Commission and the coordination among national human rights institutions are going ahead, although at the moment the process is undoubtedly slow. In its resolution of 25 May 2012, the National Human Rights Commission announced the implementation of the various necessary and sufficient mechanisms for its full integration into the Commission of National Human Rights Institutions in Central Africa, which is based in Yaoundé, and the Network of African National Human Rights Institutions based in Nairobi. In its plan of action to raise awareness among all sectors of the population throughout the country, the Human Rights Department attached to the Office of the President has organized a training and awareness-raising campaign on the subject of human rights for all provincial authorities.

R71.11, 71.12, 71.13, 71.14, 71.15

51. Standing invitation and special procedures mandate holders. The Government of Equatorial Guinea reserves judgement for now, awaiting the declaration of the bicameral parliament that was recently instated in the country.

52. The previous recommendations (R71.5, 71.6, 71.9, 71.10, 71.11, 71.12, 71.13, 71.14, 71.15), which did not meet with the full approval of Equatorial Guinea at the time, are part of a package that the Government is studying closely before it is referred to parliament for whatever purposes may be deemed appropriate.

VII. Conclusion

53. There is no question that Equatorial Guinea will follow the patterns that it has legitimately and sovereignly marked out for its democratic course, from which it can be logically and inevitably inferred that there will be a full and effective implementation of the culture of acknowledging and respecting each and every one of the human rights recognized in international instruments, and in the idiosyncratic customs of the societies and cultures that compose the mosaic of the State of Equatorial Guinea. Where appropriate, there will also be full and satisfactory compensation for damages to which victims of acts that violate human rights may be entitled. In that regard, the dialogue between Equatorial Guinea and the United Nations system will, as always, be frank and transparent, and the universal periodic review mechanism and other means of interaction will play a key role in that respect. Equatorial Guinea has never claimed or believed that human rights standards are a way of falsely accusing the country or a subterfuge on the part of the international community, but rather that they are simply a right that benefits the nation and every citizen in this country. For that reason, we once again call for the support of the international community and of all our development partners, so that they will continue to cooperate with our country to fulfil the objectives that Equatorial Guinea has set for itself through the National Economic and Social Development Plan for Horizon 2020.

Notes

[1] Recomendacion.
[2] Convención sobre los Derechos de las personas con Discapacidad.
[3] Personas Con Discapacidad.
[4] Asociación Nacional de Minusválidos.
[5] Salario Mínimo Interprofesional del Sector privado.
[6] Comisión Interministerial para los Derechos Humanos.
[7] Ley prohibitiva de la tortura y ley sobre Régimen Jurídico de la Administración Central del Estado.
[8] Salario Mínimo Interprofesional.
[9] Ley del Ordenamiento General del Trabajo.
[10] Proyecto para el Autoempleo de la Mujer Rural.
[11] Estudio socioeconómico de la situación de la mujer en GE. MINASPROM, 2012.
[12] Presupuesto General del Estado.
[13] Programa Nacional de Salud Reproductiva.
[14] Asociación de Mujeres en la Lucha contra el SIDA en Guinea Ecuatorial.
[15] Universidad Nacional de Guinea Ecuatorial.